



WEARE ZONING BOARD OF ADJUSTMENT MEETING MINUTES

May 04, 2010

FINAL COPY

PRESENT: Jack Dearborn, Chairman; Malcolm Wright, Alternate; Ian McSweeney, Member; Forrest Esenwine, Member; June Purington, Member; Chip Meany, Land Use Coordinator

GUESTS: Jared Kosowicz, Dan Kosowicz, Erin Brown, Debra Boyll, Jim Donison, Susan Russell, Kristine Davis, Ginger Esenwine, Frank Campana

RECORDING SECRETARY: Sheila Savaria

Jack Dearborn requested the presence of Bill Dresher, Town Attorney, for a non-public session to discuss the new rules on the Zoning Board's application. This meeting lasted approximately 1 hour.

I. INTRODUCTION:

Chairman Dearborn called this meeting to order at 7:43 PM and asked the board members present to introduce themselves. Chairman Dearborn explained to those present the way by which the board conducts business.

II. ADMINISTRATIVE ITEMS:

Forrest Esenwine moved to reappoint Jack Dearborn as Chairman of the Zoning Board of Adjustment, June Purington seconded the motion.

Jack Dearborn moved to amend the motion to include reappointing David Ruoff as Vice Chairman of the ZBA, June Purington seconded the motion. Vote was unanimous in favor.

Jack Dearborn appointed Malcolm Wright as a voting member of the board for relevant issues in tonight's meeting.

III. PUBLIC HEARINGS:

Case #0210 James Donison & Susan Russell (Continued Hearing)
Variance, Article 14, Section 14.2
The applicant is requesting permission to subdivide
the lot into two lots with less area than required by the ordinance.
Tax Map 405-002 222 Quaker Street

Since there were no questions from the board, Forrest Esenwine moved to accept the application; June Purington seconded, all voted in favor, unanimously.

Jim Donison presented plans to the board for his proposed subdivision. The plan shows an existing 6.728 acre lot. The proposal is to subdivide it into 2 lots, a 2.28 acre lot, and a 4.45 acre lot. On the existing 7 acre lot, there are 3 dwelling units. Mr. Donison's intent is to remove the existing structures and subdivide the land into 2 lots. Each lot

would have an individual residential house constructed, conforming to setbacks to wetlands, as well as side, front, and rear setbacks. The lots would be designed with the subsurface systems according to the State of New Hampshire Department of Environmental Services guidelines. Each lot would have its own well. The intent is to make a situation on the land that is presently nonconforming, conform to the current zoning regulations. Mr. Donison read his answers to the answers on the application aloud to the board.

Approving abutters: Chip Meany read a letter from Alfred (Lotter), dated February 1. Mr. (Lotter) fully supports the variance to subdivide the lot providing that only one dwelling is built.

Disapproving abutters: Christine Davis, who lives at 206 Quaker Street, is concerned about the wetlands surrounding the property. She also wants only one house built on the land and feels two houses would be too much for that size land.

Frank Campana commented that there are larger areas of land around, and this subdivision seems to be an attempt to squeeze maximum usage to get two houses on it. Chairman Dearborn explains that we have already addressed these issues before he arrived, and that Mr. Donison has the right to put three dwellings up, but is only putting two. Only 1 would be a substandard lot.

Mr. Donison replied that under the existing zoning regulations of the Town, it allows for a 24' x 36' structure to be placed upon each compliant lot. He does have the option to modify the 3 existing dwellings, but is choosing to change to only 2 units instead to make the current situation better. Any work performed will conform to all setbacks requirements.

Chairman Dearborn closed the public hearing at 8:21 PM for case #0210.

Forrest Esenwine moved to accept question #1; June Purington seconded, no further discussion. Vote was unanimously in favor.

Forrest Esenwine moved to accept question #2, as stated; June Purington seconded. Discussion: Mr. Esenwine questioned the fact that Mr. Donison had the same answer to 2 different questions, and wondered if the same answer could suffice for both? Chairman Dearborn said if the answer addresses both questions appropriately, than it's acceptable. All voted in favor, unanimously.

Forrest Esenwine moved to accept question #3; June Purington seconded. There was no further discussion. Vote was unanimously in favor.

Forrest Esenwine moved to accept question #4; June Purington seconded. There was no further discussion. Vote was unanimously in favor.

Forrest Esenwine moved to accept question #5; June Purington seconded. Discussion: Mr. Esenwine is concerned that the answer does not address the special conditions of the property. Chairman Dearborn feels that it does address the actual property, and not just the land. Four members were in favor (Jack Dearborn, Ian McSweeney, June Purington, Malcolm Wright), one opposed (Forrest Esenwine). The variance is granted in favor of the applicant.

Forrest Esenwine moved to reopen the case for the purpose of adding restrictions; June Purington seconded, all voted in favor, unanimously. Mr. Esenwine set the restrictions as: One dwelling allowed per lot, no further subdivision of the lot, removal of all current structures above and below ground in the setback.

Forrest Esenwine moved to grant the variance with the above restrictions for case #0210; June Purington seconded, all voted in favor, unanimously.

Case #0310 Frank Bolton (Continued Hearing)
 Administrative Appeal
 The applicant is appealing the decision of the CEO to issue
 an occupancy permit for the rehabilitation of an existing
 structure at 102 East Rd, map 203-97

Chairman Dearborn read aloud a letter from Frank Bolton asking that the board withdraw the administrative appeal because the case had been settled to both parties satisfaction. Forrest Esenwine moved that case #0310 be withdrawn; Ian McSweeney seconded, all voted in favor, unanimously. Case #0310 was dismissed.

Case #0410 Christ Community Church
 Special Exception, Article 34-10.1.3
 Applicant is requesting to replace a sign in a different
 location and size and with moveable letters.
 Tax map #411-123 727 South Stark Highway

Forrest Esenwine moved to accept the application for case #0410; June Purington seconded. Discussion: Forrest Esenwine questioned whether Debra Boyle was a legal representative from the church and was allowed to speak on its behalf? Ms. Boyle said she sits on the Elder board, but the church does not have any kind of written formality to prove that. Chairman Dearborn asked if at least 3 people on the board feel comfortable going forward with this case and recognize Ms. Boyle as the church administrator.

Chairman Dearborn asked for a vote for all those in favor of accepting the application as written; 3 members voted in favor (Jack Dearborn, June Purington, and Malcolm Wright), 2 were opposed (Forrest Esenwine and Ian McSweeney).

Ms. Boyle showed her plans of the signs to the board.

Chairman Dearborn asked Chip Meany to synopsise what the special exception is for. Chip said it is for size. The variance is for the moveable letters.

Ms. Boyle read her application for the special exception to the board. Discussion: There was discussion about the size of the sign and it was determined that it is compliant. There were no further comments or discussion.

Chairman Dearborn closed the public hearing for case #0410 for the special exception at 9:02 PM.
Forrest Esenwine moved to accept the special exception for case #0410 for a sign as presented; June Purington

seconded. Discussion: Mr. Meany asked that a condition be added that no additional signs underneath or on the side of the sign will be permitted. All voted in favor.

Case #0410 Christ Community Church
 Variance, Article 34-9.6
 Applicant is requesting to replace a sign in a different
 Location and size and with moveable letters.
 Tax map #411-123 727 South Stark Highway

Forrest Esenwine moved to accept application #0410 for the variance, as submitted; June Purington seconded, all voted in favor.

Ms. Boyle read her application for a variance to the board. There was no discussion or comments.

Chairman Dearborn closed the public hearing for case #0410 for the variance at 9:37 PM.

Forrest Esenwine moved to grant the variance for question #1 on case #0410; Ian McSweeney seconded. Discussion: Malcolm Wright questioned why she needed the moveable letters and why it wasn't mentioned on the application? Chairman Dearborn said her verbal discussion addressed that issue. Three members voted in favor (Jack Dearborn, Forrest Esenwine, June Purington), 2 opposed (Malcolm Wright and Ian McSweeney).

Forrest Esenwine moved to approve point #2; June Purington seconded. Three members voted in favor (Jack Dearborn, Forrest Esenwine, June Purington), 2 opposed (Malcolm Wright and Ian McSweeney).

Forrest Esenwine moved to approve point #3; June Purington seconded the motion. Discussion: Forrest feels substantial justice has been done that it allows the church to tell people they're there, and people need to know what is going on and removable letters will help. Mr. Wright feels the letters are not necessary to show that the church is there. Four members voted in favor (Jack Dearborn, Forrest Esenwine, June Purington, Ian McSweeney), 1 opposed (Malcolm Wright).

Forrest Esenwine moved to approve point #4; June Purington seconded, Jack Dearborn, Forrest Esenwine, June Purington, Ian McSweeney, 1 opposed (Malcolm Wright).

Forrest Esenwine moved to approve point #5; June Purington seconded. Discussion: Mr. Wright feels that putting up a different sign each day to be read could be hazardous, and notes that there is a speed limit that needs to be followed. He feels it would be more of a marquee, than a sign. Mr. McSweeney agrees, but notes that by previously approving a larger sign, they have reduced that hazard. Forrest Esenwine feels fewer words on the sign would be more effective. Ms. Boyle says she has tested this out herself by having her son hold up the sign while she drives by, and they chose to use larger letters, which consequently equal a smaller message. Four members voted in favor (Jack Osborne, Ian McSweeney, Forrest Esenwine, June Purington), 1 opposed (Malcolm Wright). The special exception and variance for case #0410 passed.

Case #0510 Jared Kosowicz
 Variance, Article 17.1.1
 Applicant is requesting to build a house with an attached garage on a private road.
 Tax Map#105-39 Winter Road

Forrest Esenwine moved to accept application #0510; June Purington seconded, all voted in favor, unanimously.

As there were no questions of the applicant and no discussion, Mr. Kosowicz read his application for a variance aloud. Discussion: Forrest asked Mr. Kosowicz if the board added the restriction that he could not subdivide further on the 5 acre lot, would that be a problem? Mr. Kosowicz said it would not be a problem. Chairman Dearborn commented that it is a very mature area, and the only problem is that he lacks the 200 feet.

Chairman Dearborn closed the public hearing for case #0510 for a variance at 9:37 PM.

Forrest Esenwine moved to grant point #1; June Purington seconded, all voted in favor, unanimously.

Forrest Esenwine moved to grant point #2; June Purington seconded, all voted in favor, unanimously.

Forrest Esenwine moved to grant point #3; June Purington seconded, all voted in favor, unanimously.

Forrest Esenwine moved to grant point #4; June Purington seconded. Discussion: Mr. McSweeney reiterates that there should be no further subdivision of the land. All voted in favor, unanimously.

Forrest Esenwine moved to grant point #5; June Purington seconded. Discussion: Mr. McSweeney commented that the lot owner should be compliant with the Town of Weare private road posting, as this is not a town maintained road. All voted in favor, unanimously.

IV: OTHER BUSINESS:

Chairman Dearborn read a letter from Carl D. Langdon requesting an extension for his variance. Forrest Esenwine moved to grant the extension, June Purington seconded. All voted in favor, unanimously.

Minutes: Forrest Esenwine moved to approve the minutes of the meetings of December 8, 2009, February 2, 2010, March 2, 2010, and April 6, 2010, as distributed to all members by mail or email; June Purington seconded, all voted in favor, unanimously.

ADJOURNMENT:

As there was no further business to come before the Board, Forrest Esenwine moved to adjourn the meeting at 9:54 PM, June Purington seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria, Recording Secretary